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10 Attorneys for Plaintiff, Steve Bolton  
11

12 UNITED STATES DISTRICT COURT  
13 SOUTHERN DISTRICT OF CALIFORNIA  
14

15 Steve Bolton,  
16

17 Plaintiff,  
18

19 vs.  
20

Patenaude & Felix A.P.C.; and DOES 1-  
21 10, inclusive,  
22

Defendants.  
23  
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26  
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28

Case No.: '13CV0688 WQHKSC

**COMPLAINT FOR DAMAGES**  
**1. VIOLATION OF FAIR DEBT**  
**COLLECTION PRACTICES ACT,**  
**15 U.S.C. § 1692 ET. SEQ;**  
**2. VIOLATION OF FAIR DEBT**  
**COLLECTION PRATICES ACT,**  
**CAL.CIV.CODE § 1788 ET. SEQ.**

**JURY TRIAL DEMANDED**

1 For this Complaint, the Plaintiff, Steve Bolton, by undersigned counsel, states  
2 as follows:  
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt  
6 Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), and the invasions of  
7 Plaintiff's personal privacy by the Defendants and its agents in their illegal efforts to  
8 collect a consumer debt.  
9

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.  
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that  
13 Defendants transact business here and a substantial portion of the acts giving rise to  
14 this action occurred here.  
15

16 **PARTIES**

17 4. The Plaintiff, Steve Bolton (hereafter "Plaintiff"), is an adult individual  
18 residing in Las Vegas, Nevada, and is a "consumer" as the term is defined by 15  
19 U.S.C. § 1692a(3).  
20

21 5. The Defendant, Patenaude & Felix A.P.C. (hereafter "Patenaude"), is a  
22 company with an address of 4545 Murphy Canyon Road, Third Floor, San Diego,  
23 California 92123, operating as a collection agency, and is a "debt collector" as the  
24 term is defined by 15 U.S.C. § 1692a(6).  
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1           6. Does 1-10 (the “Collectors”) are individual collectors employed by  
2 Patenaude and whose identities are currently unknown to the Plaintiff. One or more  
3 of the Collectors may be joined as parties once their identities are disclosed through  
4 discovery.  
5

6           7. Patenaude at all times acted by and through one or more of the  
7 Collectors.  
8

9  
10                           **ALLEGATIONS APPLICABLE TO ALL COUNTS**

11       **A. The Debt**

12  
13           8. The Plaintiff allegedly incurred a financial obligation in the approximate  
14 amount of \$5,000.00 (the “Debt”) to American Express (the “Creditor”).

15           9. The Debt arose from services provided by the Creditor which were  
16 primarily for family, personal or household purposes and which meets the definition  
17 of a “debt” under 15 U.S.C. § 1692a(5).  
18

19           10. The Debt was purchased, assigned or transferred to Patenaude for  
20 collection, or Patenaude was employed by the Creditor to collect the Debt.  
21

22           11. The Defendants attempted to collect the Debt and, as such, engaged in  
23 “communications” as defined in 15 U.S.C. § 1692a(2).  
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**B. The Facts**

12. On or about April 4, 2012, Plaintiff received an initial letter from Patenaude (the “Letter”).

13. The Letter stated: “If you wish to eliminate further collection efforts, please contact us at (800) 867-3092.”

14. The Letter also advised Plaintiff of her statutory right to dispute the Debt within 30 days of the Letter, and that upon receipt of any such dispute, collection activity must cease until such time as Defendant provided Plaintiff with validation of the Debt.

15. Insofar the Letter encouraged Plaintiff to call in order to avoid further collection efforts, the Letter is misleading in that it inferred that collection activity might occur within the 30 day period if Plaintiff did not call. As such, the Letter overshadowed and contradicted Plaintiff’s rights to dispute the Debt under Federal law.

16. Within 30 days of the Letter, Plaintiff mailed Patenaude a letter requesting validation of the Debt. Patenaude received letter on April 30, 2012.

17. Within the 30 day period, on April 20, 2012, Patenaude filed a lawsuit against Plaintiff in an attempt to collect the Debt.

18. By filing litigation against Plaintiff during the 30 day period, Patenaude overshadowed and contradicted Plaintiff's right under Federal law to request validation of the Debt within 30 days.

**COUNT I**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
**15 U.S.C. § 1692, et seq.**

19. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

20. Defendants used an deceptive means to collect the debt, in violation of 15 U.S.C. § 1692e.

21. Defendants overshadowed and contradicted Plaintiff's right to dispute the Debt in violation 15 U.S.C. § 1692g(b).

22. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

23. The Plaintiff is entitled to damages as a result of the Defendants' violations.

**COUNT II**  
**VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION**  
**PRACTICES ACT, Cal. Civ. Code § 1788 et seq.**

24. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

25. The Rosenthal Fair Debt Collection Practices Act, California Civil Code section 1788 et seq. (“Rosenthal Act”) prohibits unfair and deceptive acts and practices in the collection of consumer debts.

26. Patenaude & Felix A.P.C., in the regular course of business, engages in debt collection and is a “debt collector” as defined by Cal. Civ. Code § 1788.2(c).

27. The Defendants failed to comply with the provisions of 15 U.S.C. § 1692, et seq., in violation of Cal. Civ. Code § 1788.13(e).

28. The Defendants did not comply with the provisions of Title 15, Section 1692 of the United States Code, in violation of Cal. Civ. Code § 1788.17.

29. The Plaintiff is entitled to damages as a result of the Defendants' violations.

## PRAAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendants:

A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the Defendants:

B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against the Defendants;

C. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against the Defendants;

1 D. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);

2 E. Statutory damages of \$1,000.00 for knowingly and willfully committing  
3 violations pursuant to Cal. Civ. Code § 1788.30(b);  
4

5 F. Actual damages from the Defendants for the all damages including  
6 emotional distress suffered as a result of the intentional, reckless, and/or  
7 negligent FDCPA violations and intentional, reckless, and/or negligent  
8 invasions of privacy in an amount to be determined at trial for the  
9 Plaintiff;  
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11 G. Punitive damages; and  
12

13 H. Such other and further relief as may be just and proper.  
14

15 **TRIAL BY JURY DEMANDED ON ALL COUNTS**  
16

17  
18 DATED: March 22, 2013  
19

20 By: /s/ Tammy Hussin  
21 Tammy Hussin, Esq.  
22 Lemberg & Associates  
23 Attorney for Plaintiff, Steve Bolton  
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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Steve Bolton

(b) County of Residence of First Listed Plaintiff State of Nevada

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Tammy Hussin, 6404 Merlin Drive, Carlsbad, CA 92011  
855-301-2300 X 5514; of Counsel to: Lemberg & Associates, 1100  
Summer St 3rd Fl Stamford CT 06905 2036532250

**DEFENDANTS**

Patenaude &amp; Felix A.P.C.

County of Residence of First Listed Defendant County of San Diego

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'13CV0688 WQHKSC**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input checked="" type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. 1692Brief description of cause:  
Violations of the Fair Debt Collection Practices Act**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**  
25,000.00

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/22/2013

/s/ Tammy Hussin

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_